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IN THE CLAIMS

Amendments To The Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A deficiency detecting apparatus, which detects deficiencies on an information medium that are unable to be recorded or reproduced when an information signal is recorded / reproduced with respect to the information medium using a light beam generated by a laser light source, comprising:

a power adjusting section for adjusting an emitting power of the laser light source to an optimum value; and

a deficiency detecting section for comparing a threshold value determined by calculating a non-fixed variable value ~~of the~~ that varies depending on the emitting power of the laser light source adjusted by the power adjusting section with a value corresponding to reflected light that is the light beam reflected by an information layer of the information medium, and detecting the deficiencies on the information layer in accordance with a result of the comparison.

2. (Original) The deficiency detecting apparatus according to claim 1, wherein the deficiency detecting section determines the threshold value in accordance with an emitting power selected from a predetermined range of laser power.

3. (Previously Presented) The deficiency detecting apparatus according to claim 1, wherein the deficiency detecting section determines the threshold value in accordance with an average value of the emitting power adjusted by the power adjusting section.

4. (Previously Presented) The deficiency detecting apparatus according to claim 1, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the threshold value in

accordance with a value obtained by summing the plural power levels at predetermined rates.

5. (Previously Presented) The deficiency detecting apparatus according to claim 1, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the threshold value in accordance with the highest power level among the plural power levels.

6. (Previously Presented) The deficiency detecting apparatus according to claim 1, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the threshold value in accordance with an erasing power level that is used for erasing among the plural power levels.

7. (Currently Amended) A deficiency detecting apparatus, which detects deficiencies on an information medium that are unable to be recorded or reproduced when an information signal is recorded / reproduced with respect to the information medium using a light beam generated by a laser light source, comprising:

a power adjusting section for adjusting an emitting power of the laser light source to an optimum value; and

a deficiency detecting section for amplifying a signal corresponding to reflected light that is the light beam reflected by an information layer of the information medium at an amplification factor determined by calculating a non-fixed variable value ~~of the~~ that varies depending on the emitting power of the laser light source adjusted by the power adjusting section so as to generate a signal for amplified reflected light amount, and for comparing a value corresponding to the signal for the amplified reflected light amount with a predetermined threshold value and detecting the deficiencies on the information layer in accordance with a result of the comparison.

8. (Original) The deficiency detecting apparatus according to claim 7, wherein the deficiency detecting section determines the amplification factor in accordance with an emitting power selected from a predetermined range of laser power.

9. (Previously Presented) The deficiency detecting apparatus according to claim 7, wherein the deficiency detecting section determines the amplification factor in accordance with an average value of the emitting power adjusted by the power adjusting section.

10. (Previously Presented) The deficiency detecting apparatus according to claim 7, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the amplification factor in accordance with a value obtained by summing the plural power levels at predetermined rates.

11. (Previously Presented) The deficiency detecting apparatus according to claim 7, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the amplification factor in accordance with the highest power level among the plural power levels.

12. (Previously Presented) The deficiency detecting apparatus according to claim 7, wherein the emitting power adjusted by the power adjusting section is composed of plural power levels, and the deficiency detecting section determines the amplification factor in accordance with an erasing power level that is used for erasing among the plural power levels.